



COMMON COUNCIL MEETING  
CITY OF MIDDLETOWN  
May 2, 2023 – Minutes  
City Hall  
16 James Street  
Middletown, New York 10940

P R E S E N T

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Ald. Gerald Kleiner  
Ald. Paul Johnson  
Ald. Kevin Witt  
Ald. Jude Jean-Francois  
Ald. Sparrow Tobin  
Ald. Joseph Masi  
Ald. Andrew Green

A B S E N T

Ald. Kate Wray

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**1. Pledge of Allegiance**

(Pledge of Allegiance)

**2. Roll Call**

**PRESIDENT RODRIGUES:** Roll.

Roll Call: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues.

**3. Approval of Minutes**

(None this evening)

**4. Correspondence, Communications and Reports**

**PRESIDENT RODRIGUES:** Correspondence.

**RICHARD MCCORMACK, CITY CLERK:** We have a liquor notice, standard liquor notice for 240 Wickham Avenue.

**PRESIDENT RODRIGUES:** Received and filed.

**RICHARD MCCORMACK, CITY CLERK:** That's it for this evening.

**5. For the Good of the City**

**PRESIDENT RODRIGUES:** Okay. For the Good of the City. The Mayor would like to come up. Mayor.

**JOSEPH DESTEFANO, MAYOR:** Good evening and thank you for the opportunity to go out of order a little bit. I want to, once again, welcome our Superintendent of Schools Amy Creeden and her staff and to welcome them here to our City Hall once again for the second year in a row as they prepare to present the budget, the school

district's budget for the upcoming academic year.

Some of us in our community would think that the -- probably the most important vote that we cast all year long maybe for the school board budget. And the -- or the school budget, not the school board budget, but the school budget because that affects a lot of things in our community, some of them that I touched on in my State of the City.

We appreciate all the hard work that went into it and the dedication, Superintendent Creeden that your team had put into developing a budget that will once again support our students and ensure they receive the high quality education. Middletown is known for that.

I understand that creating a budget as we all do here in the City, is a very complex process. We know what goes into it. It involves many difficult decisions. And it is a blueprint of how we think as a community and how the school board prioritizes what they believe is important for our students and our City.

I want to assure the School Board once again that -- that, one, we thank this transparency. We thank this opportunity for you to speak not only to us, but to the -- the public through Channel 20 to ensure them that we're committed to supporting the schools and working with the schools once again. At least I am and I know --

I believe you all are with a -- have a positive result in the budget vote once people are able to examine the gives and takes in the budget and what they prioritize as being important for our community.

I'm looking forward to the public hearing tonight, the presentation. I'm learning more about how the district plans to allocate its resources. I think you'll be impressed. I'm confident that the leadership of the school district and our schools will continue to thrive under that leadership with the best possible education for our students.

As I mentioned, I presented in the State of the City the -- the address that we're all proud of the accomplishments of the school district and that we need to really talk about the accomplishments of this district more and more because that is only good for us and our community, our City, our property values and our students and our kids.

So thank you for your dedication, Mrs. Creeden, Superintendent Creeden. Thank you again once again to your staff. And I look forward to working with you to achieve the goals. And now I would ask her up to the podium to make the appropriate presentation. Thank you.

**AMY CREEDEN, SCHOOL SUPERINTENDENT:** Thank you, Mayor, for such a lovely introduction.

To set the stage for the presentation tonight, thank you, President Rodrigues and the City Council, for the invitation to be here tonight, to be amongst colleagues, information share with you and our broader school community in another forum. It feels really good to be standing here a second year to present this incredible budget to you and to our Middletown Schools Community.

Before I dig into the budget, I just want to take a minute and recognize members of our cabinet team who came here tonight to let you know that just with any work that you do inside the city there are many hands that are part of creating the budget that we present to our school community. And so with me here tonight is my assistant superintendent, Michael Tuttle.

**MR. TUTTLE:** Hello.

**AMY CREEDEN, SCHOOL SUPERINTENDENT:** Jillian Crawford who is our Director of Personnel and Inclusivity. Nicole Tangney who is our director of special education and Linda Bradt who is the director of ENL, Bilingual and World Languages.

So one of our big focuses this year was on making sure that just like with every year we stay true to our mission statement. The direction that the Board of Education gives us to make sure that we're making

fiscally sound decisions that are always scholar focused.  
Thank you.

We heard our community loud and clear last year. We had made really incredible efforts to communicate with the school community in different ways. We set out with an earlier budget development calendar and included the community with us along the entire length of the process.

And we heard from our community at the end of the budget cycle last year. That -- that still wasn't enough. And so we came to it really digging in to the budget development process almost right after the budget development process from the year prior had concluded. So the community comes out, votes on the budget. And it's not too much more time before we dig in and start to -- and think about the budget for the coming year.

What that included this year was an opportunity to intersect the budget development process with our strategic planning process. I came and talked about our strategic planning and talked about all of the efforts, the different faces, voices, and lenses that we were using to develop the roadmap that the school district would use over the next five years.

And so when we sat down at the budget table, we included many of those voices in our conversations as

well. So you can see just on the slide that, you know, we had the strategic planning committees were budget focused. We heard from our educators and our staff listened to our financial advisors, really brought in the PTO cabinet teams, the departments, the schools, our fair funding committee, elected officials, the audit committee, administration, the Board of Education and our community partners in places like the YMCA, Parks and Recreation, the Orange County Department of Mental Health, the Middletown Police Department, the Town of Wallkill, the Town of Wallkill Police Department, all of those voices had opportunities at various moments in time to share with us what their priorities were, so we knew the direction we would need to take in the district.

So what I want to talk about are just some of the considerations that we were focused on as we developed the actual number that we wound up with. The addition of a Director of Technology across the district, a restructuring to align to state education requirements inside our special education program and our growing capacity there with the addition of two special education case managers.

Changing our programming and aligning a bit across campuses, so families don't have to make difficult decisions in terms of program placement. So we're adding



eight special education educators.

Growing program enrollment at Maple Hill Annex at Truman Moon, so we're adding an additional musical educator out there or actually not additional, a full-time music educator out there.

Enrollment again which that will be a common theme that we talk about. And it's really such a credit to what's happening here in the City of Middletown and the Town of Wallkill. Middletown is one of the only districts that has a continually growing enrollment, something to be really proud of. But with growing enrollment is a growing need. So we're asking a physical education teacher and a music teacher to Twin Towers Middle School and a dual language educator as we move our dual language program up into the grade levels.

At our college and career center, we are shifting from utilizing the services of civil service staff to moving into highly qualified New York State certified counsels. So that is an investment that we are making into the college and career center. We are not looking to minimize the impact of that incredible resource for our school and school community, but we're looking to amplify the impact. We are adding four Part 154 compliance, one bilingual science teacher and one bilingual social studies teacher.

And as a result of COVID, the New York State Education Department and Department of Health has sort of shifted. Some of the requirements that we need to meet in terms of air quality and so because of that we are in need of a HVAC technician and a HVAC foreman.

**MICHAEL TUTTLE, ASSISTANT SUPERINTENDENT:** Good -- hi, good evening. Thank you for having us. As Ms. Creeden said, this effort begin as soon as the vote is done and approved we're already planning for next year and then years on. And we continue to do that as we evolve.

So some other considerations we have this year for capital projects. One of the things that we've done is we're able to feed every child every day. And based on that, what we realized is we don't have enough refrigeration, enough cooling to keep all the food and -- and the amount of food that we need to purchase in -- in volume. So over at the Board office we have the food service building and we're looking at add additional refrigeration over there.

The second thing you may have heard over at Twin Towers we're looking at a geothermal project. Actually, this Thursday we're gonna get approved. We finally got the contract to put in a geothermal unit system, if you will, over at the Twin Towers Campus.

That's kind of exciting.

The reason why we started this is we applied for a grant and we were one of the biggest recipients in the state, a \$4 million grant from NYSERDA. So this kind of catapulted us into doing this big endeavor.

So with that though comes some additional increased costs. So we're looking for to transfer some more money into the capital, about \$8.1 million to ensure that we have the whole geothermal system in place. So what that does that relieves us of fossil fuels and really protects us for the next 100 years for heating and cooling in that building.

If you think about it, that building is 1942. It's one of our oldest building, the oldest building to retrofit and now it's gonna be one of our up to date and current systems really in Orange County. There's no other school district in Orange County that geothermal right now. So we're kind of excited about that.

In one of our capital outlay projects, that's a project you get every year through the state funding. And you can actually -- it used to be 100,000. We're waiting for the final budget to be approved by the governor. And that should be up to \$250,000. So we're looking over at Truman Moon creating a vestibule, so we have the building a little bit more secure for folks that

come into the building and the staff there feel a little bit safer about how you enter the building.

So a little bit about foundation. You probably heard a little bit about that over the years. For the past 14, 15 years, there's been a battle up at the Governor's Office. We stayed ahead in school, small-city schools especially. The past three years alone, you can see our deficit. Each year that we're -- back in 2021, we're supposed to receive \$126 million and we only received 77 million. So you can see our deficit was only 50 million of aid owed to the community. Okay.

So if we go back 15 years, it was about half a billion dollars that we were owed if we added all the years up. But what you could see that the deficit has decreased. So we're at this year we're actually at zero. we're actually whole based on the calculations that the State has provided based on our community wealth, based on our needs and all those things that go into the calculation.

So that's very exciting for us, that's why we're able to do so many things inside the district and really keep our tax base at the -- the same level that we have.

So one of the things that we have to do is present a three-part budget. That's kind of -- it's in

your brochure that we just handed out. So this year we're proposing our administrative piece, a little bit over \$28 million. Our program which is our biggest cost, this includes benefits as well, but our program is where all the school, the staff, the educators, sports, transportation, a lot of our things happen, so that's almost \$180 million. And our capital this year is 46 million point 3.

So overall we're looking at \$253,659,540 budget and that's almost about a 11 percent increase over last year.

So when we look at our revenues, that's, you know, basically we should start with our revenues because the revenues dictate how we're gonna create a budget, right, so it's kind of reverse system. So our state aid this year with all our new increase and foundation aid and everything, we're a little bit over 173 million. Other revenues that we have with interest and the thing that we're really proud of this year is we're not using any of our reserves or any of our unappropriated fund balances. So we're able to sustain what you'll see as a zero percent increase in the tax levy, but not using our savings account as a reserves. And we're not using any of our fund balance, so we're kind of excited about that.

So our tax, local taxes, \$72,404,150, that's

the same number that we used last year as our tax levy, so you'll see there's a zero percent change there.

So when our revenues equal our expenditures, this is where we end up with our budget as to \$253,659,540. This -- this number has grown exponential based on our foundation aid. And we're able to sustain all the programming, everything that we want to do inside the district the health and safety of our staff, our students, feed the students, transport the students, provide all these extracurricular activities and really just as you saw the staff that we're adding because our enrollment keeps growing and we have different needs and we're seeing a lot of different needs coming out of COVID.

So our proposed tax levy you'll see over the past three years historically in 2021 it was a 1 percent increase. Now, if we go back to when COVID first hit, we were looking at 20 percent reduction in our age; right? There was a big panic going on. And then the federal government came in and gave us a stimulus package with the Cares Act. So that's why we're able to keep it at 1 percent or that would have been a really devastating year for us.

The year after that we had a zero. We stayed at the same. And last year was our really big number.

We had a \$5 million decrease in the tax levy which every financial advisor cringes because it's a slippery slope when you decrease something because you don't know what the next few years will bring fiscally.

So this year we're kind of excited to present a zero tax levy increase. The one thing I just caution is that the equalization rates will determine your actual tax property bill. So it's not -- it hasn't fluctuated too bad lately, but that's the only thing that will cause a discrepancy in your last year's bill to this year's bill. Okay.

**AMY CREEDEN, SCHOOL SUPERINTENDENT:** So, again, we wanted to make sure that we took this opportunity to share that we started with some formal community engagement back in December and we've done a mix of in person. We've done Q and S's virtual. We've tried to hit all of the different spaces and places that we thought our community would want to join us. And tonight this presentation here to the City and it will be available on Channel 20. Tomorrow night we'll be at the Town of Wallkill. We'll do our budget hearing Thursday night to the Board and the community at our space in Middletown High School. And then we will do a virtual coffee chat in the morning on May 10th. It will be an opportunity for folks to jump on and ask questions after

they've had plenty of time to really dig in to the specifics of the budget.

And so next up for us, like I said, is the budget hearing that will take place on May 4th. And the budget election and Board of Education election is on Tuesday, May 16th. We want to just make sure that we call out that this year we have shifted one voting location. So just as a reminder, Super Tuesday, the date across the state where all school districts hold their annual election and budget vote is on May 16th. Our voting locations, we've always had three locations, Presidential Park Elementary School. So if you've voted at Presidential Park last year, you'll vote again there this year. Maple Hill Annex at Truman Moon, if you voted there last year, that's where you'll vote again this year provided you haven't had a change in your voter registration. This year, Middletown High School, we heard the community last year. They talked about wanting in a location that had an easier entrance and exit and they weren't competing with families that were dropping off and the traffic and the hustle and bustle of the Board of -- of the high school location, so we've shifted that location to the Board of Education offices. So if you were a voter that went to Middletown High School, your new voting location is the Board of Education



offices.

Polls open on May 16th at 7 a.m. and they close at 9 p.m. And I put down there 326-1196 which is the number to the District Clerk. If you have any question about when to vote, where to vote, and the time of voting, please email the District Clerk. And then don't forget that we have budget at ESCDM.org which is a really easy email address. Remember budget@escdm.org. If you have any questions or thoughts that you want to share with us, that's an email address we've had open since just about the summer. And we've been kind of fielding questions there and supporting folks through that method.

We want to thank you for giving us the time this evening. We really appreciate it and appreciate the partnership. Thank you.

**PRESIDENT RODRIGUES:** Thank you. Okay. Anyone else who would like to address the Council?

**SUSAN DEPUY:** Good evening, Susan Depuy, Prospect Street, Middletown. I'm here to give a report to the Council and the -- the City residents on our most recent clean-up day which was held a week ago Saturday at the new location of our citywide cleanup. Instead of it being at Festival Park or John F. Degnan Park, it was now at the new place at the skate rink and it was wonderful.

It was very cold that day, but we had a good

turnout. In 2011, while driving home from work one day I had an encounter with my first experience of having liter thrown at me. As I was driving up the old post garage hill, a car in front of me opened their windows and threw two slices of pizza at me. I beeped my horn and they just kept on going. So when I got home I cleaned my windows and I spoke to my husband and I said I'm not gonna live like this. Let's do something about people taking advantage of others and let's clean up Middletown.

So a few days later, I made a little trip to see the Mayor and the Mayor was very receptive to help me and the rest is history. We have had a cleanup every year except during the pandemic. With the support of the Mayor and the Council, we've grown in size and we've grown in our efforts.

I'd like to thank all the people who participated in our most recent clean-up day. It was a cold day, but it was held at our new skate park. It was really easy for our group to accommodate the people and to get them out where they wanted to go. We have some work to do on how to get it better, but I think it's a good venue for us.

I'd like to thank all the participants who made this a success starting with the people form the high school, the middle school, and the elementary schools,

the teachers, the students, the athletes. We couldn't have done it without you and we thank you.

I'd like to thank the parents who brought their kids to show them what's it like to be part of this community. I'd like to thank the young children who were really very much of an inspiration to most of us. As a grandparent, I thought it was wonderful to see grandmothers, grandfathers, parents showing their children and youngsters that it's a good thing to do to be part of the community.

I'd like to thank the Mayor for being always a success part of this endeavor. He's -- he's really supported me from the very first time I entered the office and asked him if we could do something like this.

And I'd like to thank the Council and everybody who has supported this endeavor. We are making big progress, but we are not there yet. So I'd like to thank all of you for being the support mechanism that drives me at 78 to still do this.

And I'd like to say let's keep Middletown clean. Thank you.

**PRESIDENT RODRIGUES:** Thank you.

Anyone else who would like to address the Council?

**ADRIAN TYMCZYSZYN:** Good evening. Adrian  
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

Tymczyszyn, 78 Highland Avenue.

And I'm here tonight to speak specifically about the traffic on Highland Avenue, specifically, Cantrell Avenue and Highland. So just a real quick background that Cantrell is the street that separates the YMCA from the Temple Sinai. As you're all familiar, no surprise traffic is getting worse every place.

But, again, my concern is this specific area and having lived at 78 Highland for over 20 years now. I've really witnessed the scenario get worse and worse every year.

So I made a couple of simple drawings. I don't know if you guys can see it. The main concern here is, you know, the YMCA is up in this area here. 78 Highland, that's me right here. So a couple of scenarios. Number one, you know, I'm just going to put this right here instead of stumbling around. Perfect.

The first scenario is cars leaving the YMCA after a class. Usually it's big groups, you know, five, six, seven cars stacked up. They can't get onto Highland because there's traffic coming down, won't let them get out, so they stumble in gradually. Not too bad.

It gets worse when you have cars coming southbound on Highland Avenue trying to make a turn onto Cantrell. Cars coming behind them don't see them or not

expecting them, slam on the brakes, come very close to rear ending the cars or worse, this happens a lot, they veer around into the northbound lane and, potentially, are going to go into the, you know, oncoming traffic in that direction or whatever is happening in front of them, another car pulling out of Cantrell or pedestrians like myself crossing to go to YMCA.

And the third scenario is just a little bit further, but cars that are just driving, you know, side by side that section of Highland Avenue. So I think really this comes down to A) careless, but B) it's a wide-open road, people feel free to drive quickly and -- and they do.

But what really brought me here is last week on the Sunday, the 23rd there was an accident involving a motorcycle and -- and a sedan on the same location. And let me just pull this out. I have -- excuse the graphics, it's just my simplistic version. I'm just gonna explain it first and if anyone has questions we can go to the graphic.

But, basically, it was Sunday night. It was quiet, the weather was fine. The car on Cantrell was trying to pull out to make a left turn to go northbound. A motorcycle travelling southbound, don't know what happened, but the two collided.

So the motorcycle rider was thrown at least 100 feet. I actually paced it off. She was quite literally if I went out my front door she was right in front of my front -- in the street. Some people were there tending to her. I went up to see what had happened. By now there was some police officers there and so forth.

But what really caught me was the fact that as the car from Cantrell was pulling out, if -- if she had pulled out to -- and, by the way, both drivers were -- were females. No judgment, I'm just saying just to be clear that both drivers were female.

The car was not hit in the driver's side, it was hit in the right front. And the only way that could happen is that car had to be in the northbound lane already and why was the motorcycle there? Clearly, well, in my opinion, clearly, the motorcycle was going around trying to pass the car, misjudged, hit the front end of the car and the rest is history. The motorcycle went into the bushes and the driver, you know, thank goodness, you know, she was not a fatality, but, you know, it -- it was frightening.

So, you know, so what is why am I am here? What is my suggestion? I think this area is a little unique in that you've got the traffic from Temple Sinai and the traffic from the YMCA. So my thought is you've

got additional traffic and then you've got drivers with -  
- with the expectation of not stopping. So I think there  
needs to be some mechanism, stop sign there. My thought  
is a three-way stop. There's already a stop sign on  
Cantrell. Perhaps a stop sign on both Highland  
southbound and northbound.

I know that the City has tried some other  
methods to slow the traffic in this area. There's an  
electronic sign farther up the road. Not for nothing,  
but I think people know how fast they're going. They  
just, you know, and, again, it's priority minority, but I  
don't think they really care.

But I think also people are creatures of habit.  
And I think that they don't think they're doing anything  
wrong. I think they're just zipping down the road. And  
if somebody slows down, they just go around. It's just  
very casual.

So just being, you know, observer, I think that  
there needs to be something to kind of break that cycle.  
And I think a stop sign would be the simplest most  
straight forward approach.

So this is just my two cents to -- to Council  
just letting you know as a resident, this is what I  
witnessed. And, again, I am concerned. In this instance  
there were no fatalities. But my concern is that a

driver, one of my neighbors might get hurt very badly.

So that's it. So if no other questions, thank you for your time.

**PRESIDENT RODRIGUES:** Thank you.

Okay. Anyone else would like to address the Council?

#### 6. Remark of Mayor

**PRESIDENT RODRIGUES:** All right. Moving on to remarks of Mayor.

**JOSEPH DESTEFANO, MAYOR:** Well, I'm glad to see the liter lady is back. Sue, she hasn't told the story about the pizza in a long time. And I know Jacob grumbles every time that -- every time she tells the story and tonight was no exception. But the way Sue ended it, what she used to say we need to clean up Middletown, tonight she ended her comments with "Let's keep it clean." So I think that's a change in attitude and that's what we're trying to do with -- with the clean-up days to bring more awareness.

The young people seem to be, at least when they were there talking about saying things to their friends about when they're walking home from school throwing things in the yard on somebody's yard. And it was just a very impressive young bunch. You know, Mid City has always been so cooperative, Dan Higbie and all the



students, the organizations, the soccer club, the football team as Sue mentioned. And, Rick, you did a fine job for your first job organizing. And so we want to thank you for all your time, you know, that you put in on that project and will continue to do next year. And I know you and Sue will be meeting quite a bit to -- to improve the coordination of the event.

It really is -- it's a -- it's a great community event. I think the estimate was 500 people this year out into the neighborhoods. Buses were zipping around. The only thing was we didn't see Mr. Masi.

**PRESIDENT RODRIGUES:** He was there bright and early.

**ALD. MASI:** I was there.

**JOSEPH DESTEFANO, MAYOR:** He was there bright and early, but I didn't see him out picking out --

**ALD. MASI:** You came --

**JOSEPH DESTEFANO, MAYOR:** I was out doing my own neighborhood, Mr. Masi. Mr. -- Mr. Tawil saw me in my neighborhood.

But other than that, it was -- it was a great event for us. And, again, it's not just picking up the trash, it's -- it's trying to change people's images or people's behaviors in trying to create a community. And that's what we are a community.

So the gentleman who just spoke about the traffic on Highland, you folks know where I stand on -- on speeding that we -- and I know Mr. Tawil and maybe other don't agree with me, but I am a supporter of a pilot project to do the raised intersections in certain parts of the City. One, of course, was at the Paramount Theater where we could -- and we could do a pilot project of some sort. The other is the street that we looked at years ago where traffic coming methods on Highland whether it was the butting out the intersections, narrowing certain parts, so the speed wasn't as -- people would not speed as much as they can when they see that big runway of Highland Avenue.

So there are -- there are solutions that are not just stop signs. Stop signs sometimes create more problems too without having other traffic calming methods.

So I still think it's a good idea to do at least a pilot project and have certain criteria for high-pedestrian areas like the Paramount and Highland and certain areas because of the width of Highland. If you recall, we did have a pedestrian death a few years ago at the intersection there by the Elks Club. It is such a wide boulevard with high speed. Not every street, you know, if we established the correct criteria, we're --

and I know the fear that counsel and others is that once we do one every neighborhood is going to want to have one. But if, you know, if you have a normal width street maybe you don't qualify. But with the exception being a street like Highland.

So just my two cents again on it. And I'm willing to, as I said, at least try it at least at the Paramount and see how it works.

And -- and the other point on -- on that is that there are -- there is a downside to it too for the neighborhood. I understand that. You know, the opponents of it will say it slows down emergency response vehicles, you know, and time is important when an ambulance or a fire truck or police car is responding, so you have to balance all that. So it at least deserves another discussion and I'm willing to have the discussion once again with you folks.

There's tonight, you know, in my State of the City, I did mention that the Board of Estimate did make a recommendation on adding more police officers into our force. This past year we did have a 15 percent increase in crime. I think a lot of it was the larceny and things of that nature. We're trying to get the crime suppression team the chief has put together. Tonight there's a resolution in front of you tonight to fund the

additional three positions bringing us up to 75 sworn officers. So I'm sure all of you will support it. But I want the public to know that we are reacting to that little spike in 2022. And that we're reacting in a way that, not to just have a visible police presence, but also a crime suppression unit that will help us with some of this criminal activity that's really impacting us in neighborhoods, you know, larcenies and cars.

The public can be helpful also if you start locking your cars at night even in your driveway, that will -- that will do a -- reduce it. I believe the State is coming out with some type of bail reform. The budget is anticipated to be voted on tomorrow. My understanding is that there is some significant movement on bail reform which of course is going to be helpful to us at least in our experience is because we had 95 or 93 people in 2022 that were arrested, I believe, five times -- three times or more and one person was arrested 23 times.

So the revolving door of petty crime, all of it being petty crime or most of it being petty crime is something that we're trying to stop on a local level. And I know there's a lot of opposition from the New York City area regarding making those changes in this type of criminal activity, but once it's not a, you know, is not a big issue. But when someone's going out every day and

doing these types of activities they need to be addressed and the Judges need to have the discretion to set bail on these -- on these folks that are just harassing certain businesses in our community or neighborhoods by going into the -- going into the -- into the cars.

So we'll see tomorrow what the -- what the final budget has. But my understanding is is that there's going to be some positive movement on bail reform regarding the discretion of the judgments where we can then make an appeal to the judge saying Mr. Masi was arrested three times for stealing a candy bar last week. And one time is not important, but two times is a concern, but maybe at some point Mr. Masi can pay for his candy bar.

ALDERMAN: They were his candy bars.

**JOSEPH DESTEFANO, MAYOR:** He did out of my office.

So that's what I have and that's all I have unless you have any -- any questions.

**PRESIDENT RODRIGUES:** Any questions for the Mayor? Alderman Johnson.

**ALD. JOHNSON:** So with respect to the speed bumps, as you might remember, Mayor, I advocated for one in Third Ward and was shut down summarily by the Commissioner of Public Works, but that's okay, I won't

hold a grudge on that.

**JOSEPH DESTEFANO, MAYOR:** Well, I remind you that you're the legislative body, not the Commissioner of Public Works.

**ALD. JOHNSON:** Thank you. Maybe I'll keep that in mind for the future.

**JOSEPH DESTEFANO, MAYOR:** I hope so. Not speed -- I'm not talking about speed bumps, I'm talking about raised intersection --

**ALD. JOHNSON:** Right.

**JOSEPH DESTEFANO, MAYOR:** Where it's a slight grade. It's at a controlled stop intersection. It's not in the middle of the road like a -- a speed bump would be. You know, we're cautious about putting up speed bumps because speed bumps in the middle -- in the middle of the road will create a lot of noise at night. I know some people have talked about the grid, I mean, the, like, on the highway when you hit the shoulder of the road --

**ALD. JOHNSON:** -- the noise that will cause. So there -- there's -- there's pluses and minuses to each thing. But I think from, as I said, the Paramount would be the perfect pilot project because there's no residence around it except a little bit at the corner over there maybe one building with residence. And it does have a

lot of -- a lot of foot traffic coming in and out. And traffic does speed down South Street. So that's where I would like to see it.

**ALD. JOHNSON:** Well, I've become aware that some of these can be installed temporarily, so you wouldn't have to really think about the winter and snow removal and things. So it --

**JOSEPH DESTEFANO, MAYOR:** Not what I'm talking about.

**ALD. JOHNSON:** So what you would do would be permanent?

**JOSEPH DESTEFANO, MAYOR:** Yeah. It's -- it's -- it's a raised, gradual raised area around the intersection or, like, in the South Street area. So it's -- it's not a temporary fixture. It's -- it's more permanent.

**ALD. JOHNSON:** I would -- I would support your advocacy in addressing it in some manner. You know, we've been talking about speeding at least since 10 years I've been sitting in this chair. I drive down Monhagen every morning between 7:30 and 8. And I would say at least once a month after I pass the -- the recycling area somebody guns it to go around me. And I think they gun it not that they want to get there faster, I think they want to send an opinion to me that 30 miles an hour is

not an appropriate speed limit.

So, you know, how do you, you know, what are you going to do?

**JOSEPH DESTEFANO, MAYOR:** Well, we're not going to stop every person from speeding or going around.

**ALD. JOHNSON:** No.

**JOSEPH DESTEFANO, MAYOR:** But there, as I said, the important part is going to be establishing criteria where these types of calming devices could be put in place. And it will be -- you're gonna have a lot of input from a lot of neighbors. Eisenhower Drive is an absolute horror with the speeding on Eisenhower. Andrew, I think your dad lives on Eisenhower; correct?

**ANDREW:** Yeah.

**JOSEPH DESTEFANO, MAYOR:** He's one of the people that -- complaining about it. But I have a couple of friends that live on Eisenhower who are begging for it, some type of device to be put on there. But -- but I don't know if that's the type of street that you want to have it on because it's not -- it doesn't have the width of Highland.

So we can bring people in to look at that and -- and to make a presentation to the Council and to the public where we come up with what is the best plan and take baby steps with it and do a pilot project. I think



it's not a bad idea.

**ALD. JOHNSON:** Thank you for your time.

**JOSEPH DESTEFANO, MAYOR:** Yep.

**PRESIDENT RODRIGUES:** Anyone else?

All right. Thank you, Mayor.

## **7. Remarks of the Department Heads**

**PRESIDENT RODRIGUES:** Remarks of the Department Heads, Economic Development.

**MARIA BRUNI, ECONOMIC DEVELOPMENT:** Good evening, everyone. This weekend the business improvement district, we worked on a Cinco De Mayo weekend here in downtown. And looking forward to three days of merchants and restaurants having their own specials and creating the atmosphere for people to come down and enjoy what they have to offer. And the bid as a promo we're going to be doing social media and so forth. And we're gonna have some entertainment throughout the weekend. For instance Friday night on Cinco De Mayo we're going to have strolling Mariachis throughout the downtown area.

Then we're gonna have in Run for Downtown Park we're gonna have some folk dancers. At Degnan Square on Saturday, again, more folk dancers will be part of the event.

Our library joined in. They're gonna have a story time and craft couple of hours from 11 a.m. to 1

p.m. So everybody's doing their own thing.

We're promoting, tagging on our social media, our website.

I want to thank a few people, Juan from Taco Factory and Jose from Alondras. They help put together this small committee through the bid. Cheryl from Sub Q Tattoo and then Rick Leonora, Stephanie, John Naumchik, Eileen, Joseph, Endera helped us translate material. So everybody came together and helped to put this great event together. Just everybody come down and just see what we have to offer downtown.

Also, our summer concerts begin, the Thursday night on June 1st, June 2nd, the Friday nights. We have our Juneteenth celebration back on June 19th, the Monday. It's going to be held at John Degnan Square and a movie screening, a free movie screening at the Paramount.

Farmer's market returns June 3rd. And our Paramount is recital and graduation season is coming up. We have Touro Fei Tian. Suny Orange has a convocation ceremony. So all those good things are happening next couple of months.

And now let me go to CDBG which our action plan, I look for your support tonight. Our action plan has to be sent in and approved to HUD. So I'm asking for your support for the Mayor to sign off and for us to be

able to submit to HUD, so we can get our annual funding for -- for next year.

And that's all I have.

**PRESIDENT RODRIGUES:** Any questions for Maria?  
Thank you, Maria.

**MARIA BRUNI, ECONOMIC DEVELOPMENT:** Thank you.

**PRESIDENT RODRIGUES:** DPW Commissioner.

**JACOB TAWIL, DPW COMMISSIONER:** Good -- good evening, all. We'll start off, Alderman Masi, I know you had a lot of rain. The Council President urged me not to report on the reservoir level because we had a few inches. In the last couple of days we had about two inches. Before that the entire month we had five, almost six inches. So our reservoir are full. There is one reservoir where on purpose we're trying to keep it low because of the dams' project that we are reconstructing. And that is Shawangunk Dam. Right now it's down by 12 inches, but otherwise it would have been flowing if we were feeding it with water.

Citywide cleanup, a great job to Sue and Rick and everybody that participated. Middletown is clean and -- and we're gonna keep it clean. I mean, it's -- it's the community effort that everybody comes out and shares, you know, the feeling for the community. And -- and that's tremendous, you know, versus amount of liter that

they pick up. So it's a great effort. I'm happy to be part of it. DPW is very happy to be a part of it and continue to participate in it.

Downtown project and -- and the traffic operation project, the \$30 million project, it's moving along as you will see that if you notice around the City milling and paving has just started. We just did Ridge Street and we're doing some of the road leading into the intersections. The intersections are not done yet because the traffic lights will have to be -- the new traffic lights will have to be installed there before we do the actual intersection. But the roads really leading into the intersection where the granite curb has been done. It's been milled and repaved.

Part of that if you drive through downtown, you'll notice that there are no trees. Trees were there and then they disappeared during the construction. We wanted the contractor to put them in, but it was a huge amount of money. Alderman Paul Johnson, he did get us in touch with Cornell Cooperative and they sent a consultant in. Based on that and -- and other study that we have done, we selected the type of trees that will fit in downtown -- downtown environment. So we purchased the trees under grant from SERTA because Middletown has been designated as a clean energy community because of all the

LED lights that we have done, all the improvement we have done for -- for the HVAC throughout city-owned buildings and city streets and so on and so forth. And the education that we have participated with and we were part of. Because of that, they designed Middletown as a clean energy community. So SERTA gave us \$5,000. We used some of that money to purchase the trees. Hopefully we'll be installing the trees by the end of this week, early next week. So we will get in touch with that gentleman and to see if he wants to come in to make sure that we're doing it the proper way we're gonna have engineered soil shipped in. We're gonna be buying it to install them and so on. So Brian Smith will be leading the efforts from DPW. It's gonna be done by DPW, but we want that gentleman to come in and give us, you know, some hands or whatever he's concerned about when planting the trees.

So recycling, again, please follow the -- the pamphlet and the information that we have on our website. If you have questions call us. DPW would be happy to send the pamphlet for recycles, what's acceptable and what is not. We've been sending letters. We've been sending letters warning people and say this is your last chance. So pretty soon the code is going to be modified, so we'll be able to impose -- issue violations. And then the judge -- you'll have to come before the judge and

there's gonna be some fines.

Again, we've been saying that for months. We don't want to do that. We want the whole public, everybody just to help us otherwise our recyclables will be ejected. We're spending a lot of time to weed out the garbage from the acceptable recycling in our own transfer station. So I'm sorry I keep repeating myself as a broken record. The people who are complying, they're tired of hearing me about it, but there's quite a few people who are not complying. And we urge you to comply.

With the spring cleanup, Third Ward which just happened to be the Third Ward to be cleaned, we'll be done with it tomorrow hopefully and which -- which is great. We really will stay cleaning up until Thursday. It takes over all of our time. We use many people from the street department, some from sanitation and some from the water department. That's what to do, the citywide cleanup ward by ward. So that would be done tomorrow.

And then next week we will be doing the second ward. And that will be -- that will be done with the city. And then electronic drop-off, I believe it's May 21st. But it's on our website the exact date. It's on Saturday. You have to bring your electronics over to DPW garage on Monhagen Avenue.

With that I will conclude my remarks. If you  
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

have any questions for me.

**PRESIDENT RODRIGUES:** Any questions for Jacob? Alderman Tobin.

**ALD. TOBIN:** I was actually cleaning up over near Rita's and the Key Bank for the citywide cleanup. Is there plans to put a sidewalk by Rita's there or -- I mean, several people walked by me.

**JACOB TAWIL, DPW COMMISSIONER:** Yes, yes. It's gonna be -- I have to look exactly at the plans because I haven't looked at them for a while. Not across the railroad tracks because we don't want to get involved with the railroad track and permitting. But we want to shift everybody on the other side by Key -- across from Key Bank.

**ALD. TOBIN:** Okay.

**JACOB TAWIL, DPW COMMISSIONER:** So there isn't gonna be by that steep and by Playtogs and all that. There's not -- there's not gonna be a sidewalk in there.

**ALD. TOBIN:** Will there be a crossing across the ShopRite or --

**JACOB TAWIL, DPW COMMISSIONER:** Yes. It's all going to be --

**ALD. TOBIN:** Okay.

**JACOB TAWIL, DPW COMMISSIONER:** -- pedestrian crossing, both ShopRite and Rite Aid. And you're gonna

have ADA accessible ramps. And you're is -- you're gonna have pedestrian crossing, the flashing lights and the -- and the beeping noise and the counter and everything. It's gonna be state of the art LED intersections. And that's throughout the City, all the City's signalized intersection. Part of this project they'll be upgraded with the LED lights and the pedestrian crossing and ADA accessible and painted crosswalks and so on.

**ALD. TOBIN:** I just want to say thank you too for the folks at Amchir. They faced the flooding. I know you cleaned out -- cleaning out the railroad tracks even though it's not part of the City's property. And so, you know, I got emails. They -- they appreciate that so.

**JACOB TAWIL, DPW COMMISSIONER:** Very good.  
Thank you.

**PRESIDENT RODRIGUES:** Anyone else? Thank you, Jacob.

Police Chief.

**JOHN EWANCIW, POLICE CHIEF:** Good evening.  
Just to address the gentleman on Highland Avenue, his concerns. They're valid concerns. We deal with that all the time. It's one of the highest volume areas of the City. To help with that discussion and come up with a plan moving forward, what I'll do is I'll use some of our



historical data from the speed trailer, UTT issuance and MVAs in and around Highland Avenue. So I'll get that to you as soon as I can, so that could help with the discussion and hopefully come up with some type of direction for us.

Speeding, it's not just an issue here in the City, it's something that is being dealt with across our county into the state. I sit on the Traffic Safety Board for the County. It is a common topic of discussion, not just in the local communities, but more in a broad band as well. Maybe in committee I could share some of the -- the details of what -- what we're seeing across the county to get a better understanding of that.

What we're doing here locally to help combat some of that is I've put a dedicated traffic unit together that we rotate around. Right now I have Officer Cesar Ortiz in his first week there he wrote over 100 summons for a variation of different violations. And, basically, I am directing him on your input and community input. So it's very hard to have him everywhere, but we are trying to make an impact and have some type of resolution for enforcement efforts there because really the reality of it is that's -- that's best the solution is the enforcement I feel to have some type of response to that poor behavior.

In regards to the Bail Reform that the Mayor mentioned also, this last past Friday I along with some of my colleagues from other departments met with Senator Scoufis to have this discussion. He holds these round tables every so often to discuss situations that are impacting the local law enforcement and how he could support us.

And in that discussion we spoke about those petty offenses that seemed to be driving our crime, quality of life issues, and talked about maybe looking at some alternative measures instead of just looking at the arrest aspects of it and bringing those people before to courts but maybe imbedding some other type of resources into those arrests, situations to maybe provide some type of reformatory efforts. So he -- he liked the idea. It was a collective idea amongst many police chiefs in that room that day. And we're hoping we'll get some movement on that in the near future.

In regards to the Resolution before you this evening for the new police officers, I would greatly appreciate your support in that. Three patrol officers, there would be three more boots on the street. Officers that will be out there answering calls, helping with traffic enforcement, serving our community, helping improve our quality of life. So I would greatly

appreciate any support there. And I'm sure that you will appreciate the -- the return on that as well.

I have nothing else this evening, unless you have anything further?

**PRESIDENT RODRIGUES:** Any question for the police chief? Alderman Kleiner.

**ALD. KLEINER:** Yes. Chief, would you -- would you just go over very quickly the numbers on our police officers because you've said previously and at the police commission how -- what we used to be and how our numbers have gone down and -- and things like five school resource officers and where we really need the additional officers?

**JOHN EWANCIW, POLICE CHIEF:** Yeah, I would appreciate to comment on that. So we -- our highest point in the Middletown Police Department was 77 sworn personnel. Now, that's from myself down to the most junior person. That includes our detectives, our sergeants, our lieutenants. Due to, you know, various reasons, we -- we went down below that for some period of time and we've been building back up for over the last several years. Last year we added on one additional police officer to the ranks to bring us from 71 to 72. With these additions, if they pass the evening will bring us to 75.

But some of the things that have happened in the meantime is now we do provide the school with five school resource officers. When the school resource officer program was in place, previously we applied three. So we have two additional people with less -- less staff to pull from. I think this resource officer program is an asset to the police department, the community, the school as a whole. That I don't think is at all. I'm just using it as an example to show that our numbers have come down somewhat with our staffing and we're using our resources help augment other things and provide resources to other programs.

**PRESIDENT RODRIGUES:** And we added another to the high school.

**JOHN EWANCIW, POLICE CHIEF:** Well, five all together with the second. The commission -- my commission as well as the Council was supportive in allowing us to backfill that position when we added that -- that fifth when we added that fifth SOR last year, so I greatly appreciate that.

**PRESIDENT RODRIGUES:** Great. Thank you, Chief.

**JOHN EWANCIW, POLICE CHIEF:** Thank you.

**PRESIDENT RODRIGUES:** Superintendent of Recreation.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:**

Good evening. I have nothing to report. Any questions?

**PRESIDENT RODRIGUES:** No questions. Thank you.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:**

Thank you.

City Clerk.

**RICHARD MCCORMACK, CITY CLERK:** Good evening.

Good evening. I just would be amiss if I didn't also comment this evening on the cleanup. It was a great event this year. Thank you to Raelynn and her department for all their help. We certainly couldn't have done it without them. And Mr. Tawil and his folks supplying all the resources, the bags, the pickers, the rakes. And Marie helped out with t-shirts this year. So it really was a citywide event. And but, you know, nobody really thanks Sue and without Sue and her vision and her -- and her drive to do it all, it would certainly not be what it is. So thank you, Sue, for being the champion of the community for the event. We appreciate it.

**PRESIDENT RODRIGUES:** Thank you. Any question for Rick? All right.

## **8. Public Hearings and Grievances**

**RICHARD MCCORMACK, CITY CLERK:** Good evening. notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, May 2nd, 2023 on or near as 7:30 p.m. as possible in the Common Council

Chambers, 2nd floor at 16 James Street to hear any and all persons wishing to be heard on a proposed zoning amendment to create a new section 475-28A, Article VI General Regulation to read as follows.

"Cannabis sales: The sale of cannabis, cannabinoids, cannabinoid hemp, cannabis flour, cannabis products, cannabis-infused products, hemp and hemp extract as those the terms defined by Section 3 of the New York cannabis law is prohibited in the -- in and on all private and public property in every zoning district in the City of Middletown. The complete proposed zoning amendment is available in the Office of the Common Council Clerk, 16 James Street here at City Hall and on the City website. Anybody wishing to be heard on the -- on the issue will be given an opportunity to speak this evening. Any person unable to participate at the time of the public hearing can email comments and submit in advance to [rmccormack@middletown-ny.com](mailto:rmccormack@middletown-ny.com) by order of the Common Council.

**PRESIDENT RODRIGUES:** At this time the public hearing is now open. Anyone from the public? Any Councilmember? Do I have a motion to close?

**ALD. MASI:** So moved.

**PRESIDENT RODRIGUES:** Alderman Masi, seconded by Alderman Witt. All in favor?

**ALDERMANS:** Aye.

**PRESIDENT RODRIGUES:** The hearing is closed.

**9. Remarks of Alderman**

**PRESIDENT RODRIGUES:** Remarks of Alderman.

Alderman Masi.

**ALD. MASI:** Yeah, just a couple of things. I want to thank Mrs. Creeden and her staff for the budget presentation. And I hope everyone will go out vote on the 16th and vote positive, vote yes on the budget, please.

And, Sue, great job again this year with the cleanup. And thanks to Rick and everyone who helped that day. It was a -- and including the Mayor who showed up. But it was a good time, good day. Did a lot of cleanup. And I agree that it's nice that all the people get involved, all the people from the school district that they do something for their community, so thank everyone.

**PRESIDENT RODRIGUES:** Alderman Witt.

**ALD. WITT:** Thank you very much. A couple of things. Our First Ward meeting is next Wednesday, May 10th from 5:30 to 6:30 here. We love to see you.

Rick, thank you very much for being an absolute joy to deal with in terms of getting the school and the kids -- and the -- and the community and the members and the staff coordinated. Everybody said it was, you know,

really a nice, I think it was a good move moving it to the Erie Way Park from Degnan Square. It was -- it was a real nice job.

Sue, thank you as always for your work on that.

Sort of off the cuff here a little bit. I'm mean I would definitely support a -- some sort of pilot program at the Paramount for raising the roads a little bit. I mean, we talked about doing this a few years ago. So I would be in favor of that. Of course, I'm sure there will be more discussion, but thank you very much.

**PRESIDENT RODRIGUES:** Alderman Green.

**ALD. GREEN:** Excuse me. Thank you very much. You know, first off, thank you to Mr. Tmeczyszyn for coming and bring your, you know, your concerns to our attention. It does reopen a conversation that I know the Mayor you mentioned Eisenhower, but we've had so many streets and we've had this conversation over and over. I fully support taking some action, so, you know, let's get that into -- into a committee that it needs to be and -- and let's have this discussion and see what we can do with it.

I do want to thank the School Board or, excuse me, the superintendent for being here and -- and all the staff. You know, it is -- we have such an incredible asset in our school district here. And from our



facilities and our programs far exceeding some colleges I've -- I've seen in my life. That we're very fortunate so. You know, definitely to see a zero percent tax levy again is just phenomenal for us.

We will be having our Second -- Second Ward constituents meeting on Monday the 8th at 7 p.m. right here at the Council Chambers, so we hope to see you then.

And then you can definitely tell spring and summer are, you know, here and around the corner because there's just been so many events going on.

Sue and Rick, the cleanup was awesome as usual. You know, just cleaning up around where -- where I was, it was incredible to see people who didn't even know about it see people taking action and they stopped and joined in. So, you know, the more visible that -- that groups are at there, the more we get people involved in -- in cleaning up, so that's an awesome thing.

We did host downtown here was the County Crime Victims Memorial and Vigil. For anyone that was there, it was definitely a very moving and -- and humbling event, so I want to thank everyone who was involved in that.

You know, and also I had the privilege along, I know, the Mayor, Rick, and -- and Maria and Mary Horchak were at the Women's University Club Dinner and Gala on

Saturday night. They were celebrating the -- their 100th anniversary even though it was is their 103rd, but we all know what happened over the last few years. But thing was that they were awarding the Evelyn Isseks for the first time ever. And that was given to someone we all know here definitely and I believe probably many of the people listening and watching know our friend Maria Ingrassia received the -- the inaugural award just for all she's done for the Women's University Club. And, you know, I just want to congratulate her publically here again.

And just a reminder to everyone, yes, you may see that our Third Ward streets that we abut against, have their stuff out, but please don't go ahead and, you know, put yourself out on the curb now. You're supposed to put it out this coming Sunday night in the Second Ward. The City will come around and clean it up and pick it up over the -- the few days following. But, again, please don't put it out on the curb now especially electronics regardless of -- of the day you put them out. But please let's keep our sidewalks and our streets cleaner for a few more days. I know it's -- you're getting antsy to get it out there, so am I, you know, so we'll get it all done, so. Thank you.

**PRESIDENT RODRIGUES:** Alderman Kleiner.

**ALD. KLEINER:** Thank you. The citywide cleanup it's a great community event. And I want to particularly thank Raelynn and Parks and Rec and Kelly and because they do a lot and they keep our supplies. And Rick did an amazing job this year.

So I -- I think the moving it to the pavilion in Erie Way Park, it's just sort of a natural for setup and -- and so it's a great event.

And, Maria, thank you for Cinco De Mayo. That sounds like it's gonna be fun downtown this weekend. I hope to take advantage of that.

I just want to mention because I keep hearing people talking about it, the citywide yard sale. And that's another we can thank our City Clerk Rick for that. That's at the beginning of June. But you don't have to be signed up to do a yard sale. But if you do sign up, then you will be on the list. Have I got that right, Rick?

**RICHARD MCCORMACK, CITY CLERK:** That's correct.

**ALD. KLEINER:** Okay. So either way, but, you know, sign up and get on the list or -- or just do a pop-up yard sale, but for that weekend only.

Our next meeting is May 16th. That is the date of the school vote, so we won't get to remind you again. So by the time we have our meeting at 7:30 you'll have an

half an hour left to vote. It won't be long. So please try and right that down. There are quite a few candidates for school board, so familiar yourself with them and join in that vote too.

The Paramount vote I think back when I think I was chair of the Public Works Committee at the time. But I know we -- we did vote to go ahead and try a slightly raised sidewalk going -- leading to the Paramount, but the Council can only vote to do it, but then we don't have people we can get to say when we'll do it. And we don't have the contractors and such, it -- it --

**JOSEPH DESTEFANO, MAYOR:** You've got to fund it.

**ALD. KLEINER:** Well --

**JOSEPH DESTEFANO, MAYOR:** You've to fund it.

**ALD. KLEINER:** -- we -- we were willing to fund it too, but we can't come up with the actual proposal on materials and stuff to fund it. So we -- we need -- we need help that way, but I'm sure the Council would be willing to do that. It -- it seems like a good idea and we really should try it out.

And my -- my last thing is on feral cats, we do have some regulars. I know at once upon a time we were going to make it illegal to feed feral cats. That doesn't keep your feral cat population healthy. It

doesn't really help. CNR, catch, neuter, and release is a good idea to keep the population down. But other than T.A.R.A, there -- there aren't many options for doing it. The City doesn't really offer vouchers. I'd really like to see us have that discussion on what we can do.

I know we cleaned out the population from downtown, but that area where they were taken now is full. And taken care of those cats is a full-time job. So we need to figure out exactly what's going on and what we can do about it. So I hope we can have that discussion. Thank you.

**PRESIDENT RODRIGUES:** Alderman Johnson.

**ALD. JOHNSON:** Feral cats, so the City does provide funding. I work with Robin, unfortunately -- no, fortunately, for me almost every day. And we are compensated for cats that are spayed. The City does compensate her per cat.

We have more than 100 cats at the sanctuary. And, basically, one person who's feeding them, taking care of them, cleaning up after them. So Robin Stewart is a one-woman band and deserves a lot of credit.

We will be done with the cats as soon as we're done with speeding, we'll be done with cats. That's about -- that's about where I think that's gonna happen.

Trees, I've tried to think more about trees

lately for reasons I won't go into. I did forward to you maybe two months ago I attended a DEC webinar called the cost of not planting trees. And I planted the seed about thinking about trees. Anybody who would like to chat about that over a cup of coffee, coffee's on me.

I did notice that at 33 Fulton they've done quite a significant planting around that building. So I think that's - that's a good step.

As far as Cornell Cooperative, Erik Schellenberg is his name. I've worked with him for the six years I was at Cornell. He's a natural resources major. He's a forestry minor. He's a wealth of knowledge and he's more than willing to help us out. So I'm sure when you let him know that you're ready to do the planting that he'll be ready to provide some information about that.

I also attended Mohonk Consultations had a global -- global day this past Sunday called Healing -- Healing the Earth. And the presenters were a guy whose done environmental law for 50 years and also a member of Lenape Indian tribe -- Tribe. And it was a little bit crunchy for my particular background, but I did find it to be very, very educational. And there's a lot to think about particularly the sidebar on indigenous populations in this country.

Lastly, would I be able to ask Mr. Tell a  
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

question or would that not be permissible?

**PRESIDENT RODRIGUES:** Go ahead.

**ALD. JOHNSON:** I got permission.

**PRESIDENT RODRIGUES:** If he can answer it.

**ALD. JOHNSON:** You don't have to answer though. It might be a rhetorical question. You know, I was at the meeting where you did the geothermal and I saw the -- the Board members kick the tires on that. So 8.1, that's about 10 percent of the project that was presented. Now, was geothermal in the project?

**MR. TELL:** No.

**ALD. JOHNSON:** So it is an add on and you're doing the 4 million and the capital reserve?

**MR. TELL:** Right. So originally -- should I come to the mic.

**ALD. JOHNSON:** Well, if you want people to hear you, you have to come to the mic.

**MR. TELL:** Yeah, I know. Well, I'll try to be loud.

So originally when we first started -- I'll go back a little bit. When we first started with Twin Towers it was when COVID hit we needed air conditioning and HVAC in the building. So then as we got going it morphed into we got some add from the federal government, so we said, okay, let's put an addition on. Let's do the

whole building and revitalize the whole building.

**ALD. JOHNSON:** Okay.

**MR. TELL:** So the 83 million was some of roofing over at Truman Moon. So really it's about 8 -- 79 million for Twin Towers.

**ALD. JOHNSON:** I see.

**MR. TELL:** So during the project in development, they decided to look at the geothermal opportunity came. So that means we then -- that transferred into looking at different piping, different insulation, putting all the wellfields in there. Even though we got the \$4 million it was just a revitalization of the whole building using geothermal, right? So it's self-contained, so all the piping needs to go all of the -- the whole inside. So it was a little different design than what was originally voted on. So that's what we're looking for some additional funding about that.

**ALD. JOHNSON:** Great. Thank you very much. Appreciate the answer.

And, lastly, there will be a candidates night next Tuesday at the high school. I believe it will be on 20 live. Is that correct? Yes?

**UNIDENTIFIED MALE SPEAKER:** Middie TV.

**UNIDENTIFIED FEMALE SPEAKER:** Middie TV.

**ALD. JOHNSON:** I'm sorry. Force of habit on



Middie TV. And so I call your attention to that. It will be from 7 to 9. And you'll get to hear candidates answer questions. Thanks.

**PRESIDENT RODRIGUES:** Alderman Jean-Francois.

**ALD. JEAN-FRANCOIS:** Yes, good evening.

Citywide clean up as been a success this year. It seems like it's getting bigger and bigger every year. I'd like to thank everyone that was involved with that. That's -- that's a great thing to see the community come out and try to keep Middletown clean and really appreciate that.

I want to send out a shout out to DPW, the sanitation department and street department. These guys did an excellent job this year with the bulk annual pickup. It begin Sunday night and I drove around usually just to see how much stuff people put out. It was amazing. It was a lot of stuff out there. I'm thinking, wow, this party is gonna take us weeks to pick up all these stuff. So that afternoon I came home around 4:00, most of the stuff was gone. I mean, it's incredible. These guys work hard throughout the day. And -- and I appreciate, Commissioner, for your department they're doing an excellent job.

And, also, this Saturday, Sparrow and I have a committee meeting in this chamber at 10:00. Please come and join us. Thank you.

**PRESIDENT RODRIGUES:** Alderman Tobin.

**ALD. TOBIN:** Thanks for the presentation. I enjoyed it. I love this flyer and all the things that we're doing for the community. My kids, as a teacher, I love all the opportunities that are available from -- for the students, our scholars in Middletown. And zero percent tax levy is amazing.

I'm glad the State is finally fully funding foundation aid, so that's a credit to our elected officials.

Susan, I'd like to thank you for the cleanup. It gets bigger -- bigger and better each year which is also a thank you to the school district because I'd say a majority of the people there are students and they're learning about community, taking care of the environment, taking care of the pride in our community. So it's greatly appreciated.

I agree with the Mayor, I'm not really in favor of speed bumps, but there's all kinds of different speed teaming things you can do to kind of, like, narrow the roads. There are different ways to slow down traffic without putting in those speed bumps. So I'm interested in that. And I think we have a lot of narrow streets. I mean, Highland Avenue is kind of the exception. So that what -- but people do complain about speeding and the

stoplights which is also an enforcement issue.

Statewide -- I know I take 17 and 84 in the morning and it's like the Audubahn. I mean, unless you're going like 85 in the left lane, people are pulling over, passing you on the on ramps. I mean, it's nuts in the morning. It really, really dangerous.

And then I like the crime suppression unit. I think that's a good idea if we want to fight any kind of crime and also, you know, to get out in the community. And I love Chief Ewanciw's approach. I think it's really been a partnership with the community and well received, so I think that will help us tremendously.

And, finally, Maria, thank you for the -- putting together Cinco De Mayo celebrating our Mexican culture. We have all kinds of Mexican restaurants and -- and a lot of pride in our Mexican culture, so I'm glad we have added that event to our very packed social calendar, so we greatly appreciate it. Thank you.

**PRESIDENT RODRIGUES:** Okay. Lastly, I want to thank the School District for coming. Great presentations, zero tax percent is great for us and everyone.

I'm going to add to DPW Committee, the Highland Avenue project once more, speed bumps, raised bumps, raise, whatever you want to call them. Yes, we need

them. Yes, we need them at the Paramount, yes we need them at Highland Avenue. I do not need an engineer firm to come and give us another request proposals, traffic studies, survey monkeys. We don't need that. The public is here. The police chief will tell us exactly how many accidents we get, how many speed tickets they get. So we have the issue. We've been speaking for years.

We have this things called chips money that we, as a Board, say to Jacob we approve all these streets to pave and everything. We as a Board can put a resolution together and say we want to raise -- raise beds or whatever you want to call them and do it at this location. We can do it at Highland and we can do it on South Street.

So, again, I'm going to add it to the committee. I don't want engineers and -- and vendors to tell us -- sell us all these flashing lights. I see people when they see the flashing lights, they want to see where it stops telling them how fast they're going and they're doing -- and it goes back and forth. I see it all the time on Highland Avenue and everywhere else.

It needs to happen. If you go to -- I go to Bass Pro Shop in Connecticut. Sometimes Waze takes me off the road, off the highway. Every road in Connecticut has a 10-foot speed bump in Connecticut. And they get

snow just like we get snow. They -- they have ambulance, they have police, they have fire trucks, they have everything. So other towns, Rockland, Stoney Point down there, they have speed bumps. So other towns have it. It's not -- we're not inventing speed bumps. They have it, other cities have it. And either speed cameras where they get the ticket. I'm -- I'm for for the speed ticket. Give them the ticket, do something.

We need to pass something. I'll put it in Committee. I'll ask the DPW Chairman please bring it up. Come up and let's pass something.

**9. Petitions and Complaints**

**(None this evening)**

**10. Unfinished Business**

**(None this evening)**

**11. New Business.**

**PRESIDENT RODRIGUES:** New business.

**RICHARD MCCORMACK, CITY CLERK:** We have a Resolution sponsored by Alderman Masi accepting a \$3,500 grant from Walmart to support Kids' Day Out and the Night Out against Crime events.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Masi, seconded by Alderman Witt. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois,  
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Johnson, Kleiner, Green, Witt, Masi, President Rodrigues.  
Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Witt authorizing a \$3,405.30 budget transfer to expand the community police unit.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Witt, seconded by Alderman Green. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois,  
Johnson, Kleiner, Green, Witt, Masi, President Rodrigues.  
Carries.

**RICHARD MCCORMACK, CITY CLERK:** We have a Resolution sponsored by Alderman Kleiner authorizing the Stewart Military Appreciation Picnic to use the mobile stage.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Kleiner, seconded by Alderman Masi. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois,  
Johnson, Kleiner, Green, Witt, Masi, President Rodrigues.  
Carries.

**RICHARD MCCORMACK, CITY CLERK:** A Resolution sponsored by Alderman Green accepting a \$250 donation from Capital Market Advisors for the citywide cleanup event.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Green, seconded by Alderman Witt. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Johnson authorizing the submission of the 2020 CDBG action plan.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Tobin. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Johnson accepting a \$250 donation from the Middletown Lion Club for the Fishing Derby.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Kleiner. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution  
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

sponsored by Alderman Jean-Francois accepting a \$1,900 donation from the Enlarged City School District of Middletown for the summer book mobile.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Masi. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** We have a Resolution sponsored by Alderman Masi accepting a \$3,500 grant from Walmart to support Kids' Day Out and the Night Out against Crime events.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Masi, seconded by Alderman Witt. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Kleiner establishing a budget for the hiring of three new police officers.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Kleiner, seconded by Alderman Green. Any discussion? Roll.



Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Masi authorizing a \$1,182.96 budget transfer to the ARPA consultant.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Masi, seconded by Alderman Johnson. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Tobin authorizing live music and live musical performances in indoor and -- in outdoor and sidewalk cafes.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Tobin, seconded by Alderman Kleiner. Any discussion?

**ALD. JOHNSON:** Yes, sir.

**PRESIDENT RODRIGUES:** Alderman Johnson.

**ALD. JOHNSON:** I just wanted to point out this committee has sunshine clause for it. I conferred with the Clerk and it seems to have gone well the last couple of years, so I didn't see any problem just codifying it

and putting it on the agenda.

**PRESIDENT RODRIGUES:** To amend it.

**ALD. TOBIN:** This is, just for clarity, this is not -- this is extending the trial for one more period because it's a zoning amendment. It has to have a public hearing and follow the process. So be codified, we'll start the --

**ALD. JOHNSON:** Okay. Well, we're getting there. We skipped Committee, we're almost there. Thank you.

**PRESIDENT RODRIGUES:** Anyone else? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Jean-Francois amending City Code to establish a handicap parking spot at 26 Prince Street.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Johnson. Any discussion? Alderman Jean-Francois.

**ALD. JEAN-FRANCOIS:** Yes, the Committee met this evening. We specifically had discussion about this resolution. I would thank everyone in advance to please vote on this Resolution. Thank you.

**PRESIDENT RODRIGUES:** All right. Anyone else?

Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Green to approve an extension of time of six months for two Resolutions dated May 4th, 2021, Number 9821 and 9921 for the Presidential Heights Subdivision Realty Subdivision.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Green, seconded by Alderman Masi. Any discussion? Roll.

**ALD. JOHNSON:** Actually, I think Kleiner has a question.

**PRESIDENT RODRIGUES:** Oh, Alderman Kleiner.

**ALD. KLEINER:** Yeah, I know we've given them some extensions before. Do we have any idea what their plans are or if --

**PRESIDENT RODRIGUES:** I know they're close to bringing it to the City for the building permits.

**ALD. KLEINER:** Okay. Very good. Thank you.

**PRESIDENT RODRIGUES:** That's while I'll be abstaining.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi; Abstain: President

Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Johnson authorizing a public hearing on a proposed change in the zoning code in a UR3 to allow a daycare facility.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Masi. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Johnson amending city code to assess a fee for multiple home inspections.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Green. Any discussion? Alderman Johnson.

**ALD. JOHNSON:** Once again, this is a follow to the discussion we had in Committee. And counsel and the Mayor conferred and we're good to go.

**PRESIDENT RODRIGUES:** Anyone else? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

## 11. Local Laws

**(Nothing this evening)**

**12. Audit of Claims and Accounts**

**PRESIDENT RODRIGUES:** Audit.

**ALD. MASI:** Mr. President, I move the accounts be audited, the claims be adjusted and the City Treasurer be authorized to issue warrants for their payments.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Masi, seconded by Alderman Johnson. Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Kleiner, Witt, Masi, President Rodrigues. Carries.

**13. Adjournment**

**PRESIDENT RODRIGUES:** Move for adjournment.

**ALD. MASI:** So moved.

(PROCEEDING CONCLUDED)

CERTIFICATION

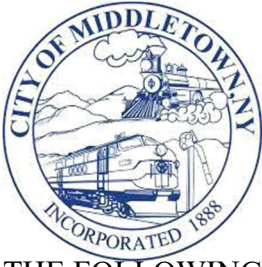
I, LISA KANE, certify the foregoing transcript of proceedings of the May 2, 2023 Middletown City Council meeting was prepared using the required electronic equipment and is a true and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: May 18, 2023

Agency: American Legal Transcription  
11 Market Street, Suite 215

Poughkeepsie, New York 12601  
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Witt

Date of Adoption: May 2, 2023

Index No: 96-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	x			
Ald. Wray				X
Ald. Kleiner	x			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

**Resolution accepting a \$3500 Grant from Walmart to Support Kids Day and Night Out Against Crime Events**

**RESOLVED;** that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment accepts a \$3,500 Grant from Walmart to assist in the planning and scheduling of vendors at our annual Kids Day and Night Out Against Crime events.

**FURTHER RESOLVED;** that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the funds be deposited in the Police Donation budget line A.2705.06 and that A.3120.06 Police Department -Use of Donation line be increased by the same amount.

**ATTACHMENTS:**

[WALMART GRANT NOAC 2023.pdf](#)



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Green

Date of Adoption: May 2, 2023

Index No: 97-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	x			
Ald. Wray				X
Ald. Kleiner	x			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			

**Resolution Authorizing a \$3405.30 Budget Transfer to Expand the Community Policing Unit**

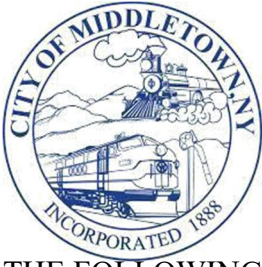
RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$3405.30, in the following manner, to support the expansion of our Community Policing Unit by adding additional personnel to that building, and installing a video entry system.

The requested funding above, and the reallocation of funding for the Biometrics computer in our approved budget, will provide the total funding to complete this job.

From	Amount	To
A.3120.100 Personal Services	\$3,405.30	A.3120.200 Other equipment

**ATTACHMENTS:**

[Community Policing Expansion.pdf](#)



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Masi

Date of Adoption: May 2, 2023

Index No: 98-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	x			
Ald. Wray				X
Ald. Kleiner	x			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

**Resolution Authorizing the Stewart Military Appreciation Picnic to Use the Mobile Stage**

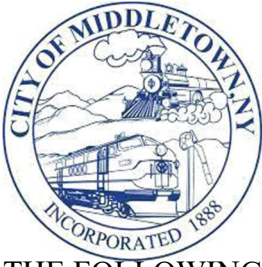
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing the Stewart Military Appreciation Picnic to use the mobile stage on Sunday, September 10, 2023.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the City to set up and take down as well as transport the stage and authorizes the Mayor to sign all necessary documents between the City and the organizers.

**ATTACHMENTS:**

[Req for Stage Stewart Picnic.pdf](#)





**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Witt

Date of Adoption: May 2, 2023

Index No: 99-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

**Resolution Accepting a \$250 donation from Capital Market Advisors for the City Wide Clean Up Event**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a \$250 donation from Capital Market Advisors for the City Wide Clean Up Event.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit the funds to line A.2705.01 City Wide Pride -Gift and Donations.

**ATTACHMENTS:**

[Accept a Donation from Capital Market Advisors.pdf](#)

[CMA Donation.pdf](#)



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Tobin

Date of Adoption: May 2, 2023

Index No: 100-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				x
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

**Resolution Authorizing the Submission of the 2023 CDGB Action Plan**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes the Mayor to sign all necessary documents and certifications regarding the 2023 CDGB Action Plan.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the submission of the 2023 Action Plan to the Office of Housing and Urban Development.

**ATTACHMENTS:**

[Final 2023 Action Plan.pdf](#)



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Kleiner

Date of Adoption: May 2, 2023

Index No: 101-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			

**Resolution Accepting a \$250 donation from the Middletown Lions Club for the Fishing Derby**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a donation of \$250.00 from the Middletown Lions Club to go towards trophies and awards for the 2023 Fishing Derby.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit the donation into account A.2029 Special Programs.

**ATTACHMENTS:**

[Accept a Donation from the Lions Club.pdf](#)



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Masi

Date of Adoption: May 2, 2023

Index No: 102-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

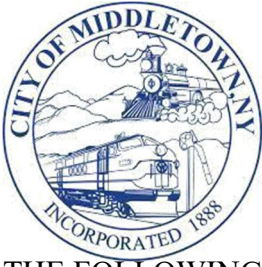
**Resolution Accepting a \$1900 donation from the Enlarged City School District of Middletown for the Summer Bookmobile**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a \$1,900.00 from the Middletown City School District to go towards the Summer Bookmobile.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit the donation into account A.2029 Special Programs.

**ATTACHMENTS:**

[Accept a Donation for Recreation and Parks.pdf](#)



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

Date of Adoption: May 2, 2023

Index No: 103-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

**Resolution Establishing a Budget for the Hiring of Three New Police Officers**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and establishes the following budget in the Police Department lines in order to accommodate the hiring of three additional police officers, with a start date of June 26, 2023. Starting Salary is set at \$72,598 per PBA contract.

From	Amount	To	Total
General Fund Balance	\$205,785.33	A.3120.100 Personnel Services * Includes holiday pay, buyout and education expenses	\$120,435
		A.3120.200 Police Dept- Other Equipment	\$13,500
		A.3120.410 Police Dept.- Uniform Allowance	\$8,850

		A.3120.432 Police Dept- Background Investigation	\$3,000
		A.3120.433 Police Dept- Personnel Training	\$6,000
		A.9000.860 Health Ins.	\$51,000
		A.9000.889 Dental/Optic Ins	\$3,000

**ATTACHMENTS:**

[Est a Police Budget.pdf](#)



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption: May 2, 2023

Index No: 104-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

**Resolution Authorizing a \$1,182.96 Budget Transfer to the ARPA Consultant**

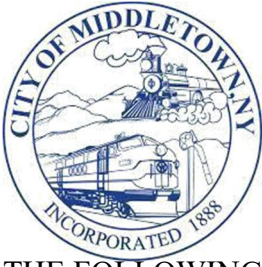
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$1182.96, in the following manner, cover the cost for consulting and ARPA reporting for Don Paris.

From	Amount	To
A.4785 ARPA	\$1,182.96	A.3125.100 Finance- Personnel Services

**ATTACHMENTS:**

[Don Paris Invoice.pdf](#)

[Don Paris Payment Request.pdf](#)



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Kleiner

Date of Adoption: May 2, 2023

Index No: 105-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

**Resolution Authorizing Live Music and Live Music Performances In Outdoor and Sidewalk Cafes**

Whereas, Section 475-28 (G) (4) of the Code of the City of Middletown prohibits live music and live music performances in outdoor and sidewalk cafes, and

Whereas, the Common Council in 2020 passed a resolution allowing live music and live music performances in outdoor and sidewalk cafes on a trial basis from May 18, 2020 until and including October 15, 2020, and

Whereas, the Legislative Committee of the Common Council has recommended that live music and live music performances in outdoor and sidewalk cafes be allowed for another one-year trial period under the same terms as conditions as existed from May 1, 2023 until and including October 31, 2023.

Now, therefore, be it resolved by the Common Council of the City of Middletown that Section 475-28 (G) (4) of the Code of the City of Middletown is hereby repealed and replaced in its entirety by the following:



Section 475-28 (G). Miscellaneous provisions.

...

(4) Outdoor and sidewalk cafes may be allowed to provide music, so long as such music does not violate or does not conflict with any applicable law or ordinance such as the City's noise ordinance (except as may otherwise be provided below), or does not create a nuisance to surrounding residents or properties. Live music or live music performances are not permitted in or at sidewalk cafes. With respect to outdoor cafes only (and only within the geographic area described below), live music or live music performances will be permitted from May 17, 2022 until and including October 21, 2022 during the hours of 12:00 noon until 10:00 p.m. on Thursday, Friday and Saturday, and 1:00 p.m. until 9:00 p.m. on Sunday, in such a manner as to generate an instantaneous sound pressure level not to exceed 90 decibels (DBA) as measured from any point along the boundary line of the real property on which the outdoor café is located and from which the sound pressure is generated.

For purposes of this subsection (4), live music or live music performances will be allowed in or at outdoor cafes only within the area contained within the City's Business Improvement District (except not in or on properties located south of Fulton Street) and in or on properties on either side of East Main Street from Academy Avenue to the west side of Railroad Avenue.

Live music or live music performances will be allowed in or at outdoor cafes as described above during a trial period lasting only until October 21, 2022, unless the ability and permission to have live music or live music performances in or at outdoor cafes is extended by action of the Common Council of the City. If the time period is not extended by action of the Common Council, then live music or live music performances will not be permitted after October 21, 2022 in or at outdoor cafes.

Lighting in outdoor and sidewalk cafes shall be minimal and shall not be allowed to disturb surrounding residents or properties. No outdoor cooking of any type is permitted in outdoor and sidewalk cafes.

Be it further resolved that Section 475-28 (H) of the Code of the City of Middletown is amended by adding the following as a second paragraph in Section 475-28 (H):

Notwithstanding the previous paragraph and in addition to any penalties imposed under the previous paragraph of this Section 475-28 (H), violations of Section 475-28 (G) (4) of the Code of the City of Middletown may be enforced by the Police Department, any code enforcement officer of the Department of Public Works or the Fire Inspector and disposed of as follows

- For the first violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a verbal or written warning informing the owner and/or operator of the violation and directing that it be ceased immediately.
- For the second violation and subsequent violations of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a written violation notice and/or an appearance ticket ordering the owner and/or operator to appear in Middletown City Court to answer the violation(s).
- At any time, the Police Department of the City, upon inspection and discovery of a violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, may immediately cause the offending outdoor cafe to be cleared of patrons, if such action is reasonably necessary to protect the public health, safety, welfare or convenience.

- If the operation of an outdoor cafe is alleged to be in violation of Section 475- 28 (G) (4) of the Code of the City of Middletown a second time, the outdoor café permit issued to the owner and/or operator of the outdoor café shall be revoked by the City Clerk.  
Any person found guilty of violating Section 475-28 (G) (4) of the Code of the City of Middletown
- shall be guilty of a violation and shall be liable for a fine of not less than \$250.00 nor more than \$2,000.00 for the first occurrence, and such fines shall be increased to a fine of not less than \$500.00 nor more than \$4,000.00 for any subsequent occurrence(s).

Be it further resolved that this resolution shall take effect immediately.



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Johnson

Date of Adoption: May 2, 2023

Index No: 106-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

**Resolutions Amending City Code to Establish a Handicap Parking Spot at 26 Prince Street**

RESOLVED; that the Common Council of the City of Middletown authorizes to amend the City Code Chapter 460, Vehicle and Traffic, Section 460-28 No-parking zone; handicap permit only to add the following:

One spot directly in front of 26 Prince Street to expire 2 years from this date.



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Masi

Date of Adoption: May 2, 2023

Index No: 107-23

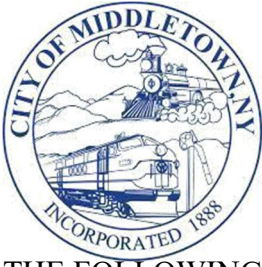
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues			X	
Total	7		1	1

**Resolution to approve an extension of time of six (6) months for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision.**

RESOLVED; that the Common Council of the City of Middletown approves an extension of time in the amount of six (6) months, as per the date on this resolution, for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision due to the need that the project has to obtain outside agency approvals for the NYSDEC and OCDOH for water main and sewer main extensions before the map can be filed.

**ATTACHMENTS:**

[Presidential Heights Sub Div Ext Req.pdf](#)



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Masi

Date of Adoption: May 2, 2023

Index No: 108-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

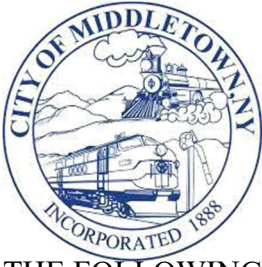
**Resolution Authorizing a Public Hearing on a Proposed Change to the Zoning Code in a UR-3 to allow a Daycare Facility**

WHEREAS, the City of Middletown has been presented with a proposal for a child day care facility in the UR-3 zoning district which is abutted on its northwestern side by Irwin Avenue and on its northeastern side by Wisner Avenue, and

WHEREAS, this zoning district also abuts the facilities and playgrounds associated with the Twin Towers Middle School, and

WHEREAS, the Mayor and Economic Development Director are recommending to rezone this particular UR-3 district to allow for child day care facilities.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown will hold a public hearing on the proposed change to the Zoning Code on Tuesday, May 16, 2023, at or as near to 7:30 PM as possible in the Common Council Chambers, 16 James Street, 2nd Floor, Middletown, NY.



**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption: May 2, 2023

Index No: 109-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois				
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

**Resolution Amending City Code to Assess a Fee for Multiple Home Inspections**

WHEREAS, Articles III and IV of Chapter 296, Housing, of the City Code require an inspection prior to the granting or renewal of a rental permit, and

WHEREAS, the Department of Public Works has been experiencing the necessity of often being forced to conduct multiple inspections of the same rental property due to failure of the property owner to appear for inspections or to correct violations noted in a previous inspection.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by adding a new Subsection C to Section 296-16, Fees, of Article III, Rooming, Lodging and Multiple Dwelling Units, to read as follows:

50. Re-Inspection Fees. If three (3) or more inspections are necessary with respect to the granting or renewal of a rental permit due to the failure of the property owner to appear for or correct violations after two (2) scheduled inspections, a fee of Fifty (\$50.00) Dollars shall be assessed against such owner for a third inspection, and a fee of One Hundred (\$100.00) shall be assessed against such owner for a fourth inspection and for each of any further inspections necessary for the subject application. No inspection shall qualify for a violation of this Subsection unless reasonable written notice of the date and time of such inspection was sent to the owner via letter or email by the Department of Public Works prior to the inspection.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by adding a new Subsection C to Section 296-32, Fees, of Article IV, Rental Permits, to read as follows:

50. Re-Inspection Fees. If three (3) or more inspections are necessary with respect to the granting or renewal of a rental permit due to the failure of the property owner to appear for or correct violations after two (2) scheduled inspections, a fee of Fifty (\$50.00) Dollars shall be assessed against such owner for a third inspection, and a fee of One Hundred (\$100.00) shall be assessed against such owner for a fourth inspection and for each of any further inspections necessary for the subject application. No inspection shall qualify for a violation of this Subsection unless reasonable written notice of the date and time of such inspection was sent to the owner via letter or email by the Department of Public Works prior to the inspection.

Section 3 - This Ordinance shall take effect immediately.

**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL  
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Masi \_\_\_\_\_

Sec'd by Ald. Johnson \_\_\_\_\_

Date of Adoption 05.02.23 \_\_\_\_\_

Index No: \_\_\_\_\_

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

**I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE  
TREASURER BE AUTHORIZED TO ISSUE WARRENTS FOR THEIR PAYMENTS**